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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/815,855 | 04/02/2004 | Marcellus Johannes Hubertus Raedts | 2003-1008 | 9891 |

466 7590 09/18/2006

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| EXAMINER |
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CECIL, TERRY K

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| ART UNIT | PAPER NUMBER |
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1723

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|--|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/815,855 | RAEDTS, MARCELLUS JOHANNES HUBERTUS | |
| | Examiner | Art Unit | |
| | Mr. Terry K. Cecil | 1723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-2-2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-2-2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>one</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because of the following:

- They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: “28d”, “28e”, and “28f” (page 10, line 26).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following:

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- The abstract of the disclosure is objected to because it includes legal language, e.g. “comprises”. See MPEP § 608.01(b).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is indefinite because there is no corresponding structure in the specification for the means plus function limitation of claim 3.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no link between structure and function of applicant’s means for adjusting the first and second streams such that one skilled in the art would not have known how to make and use the invention.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

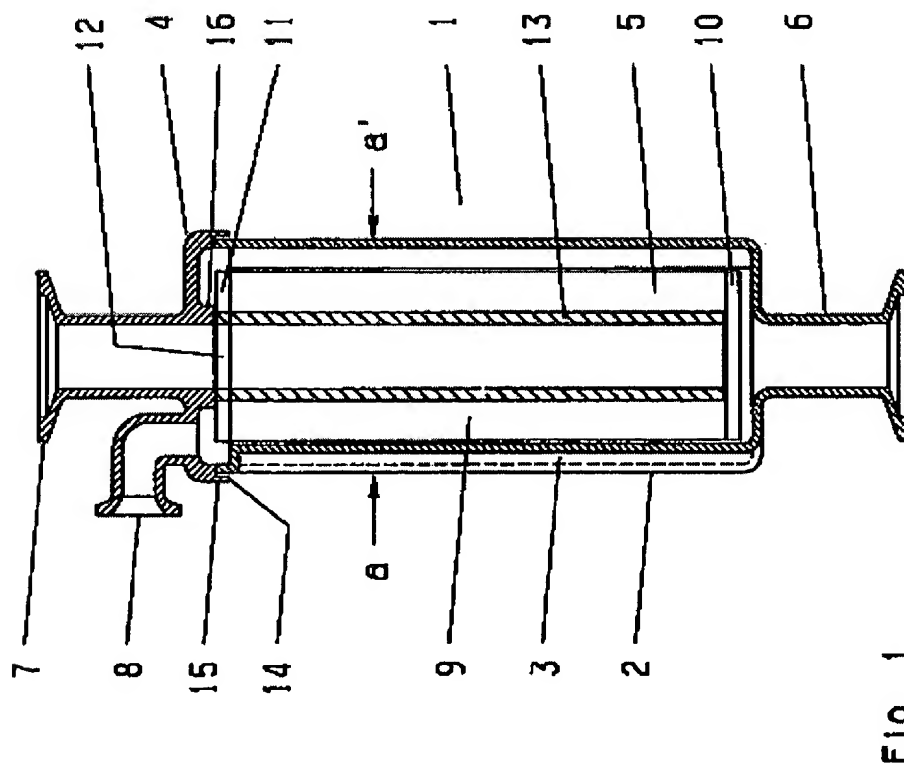
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by DE

19626196A1, hereinafter '196.

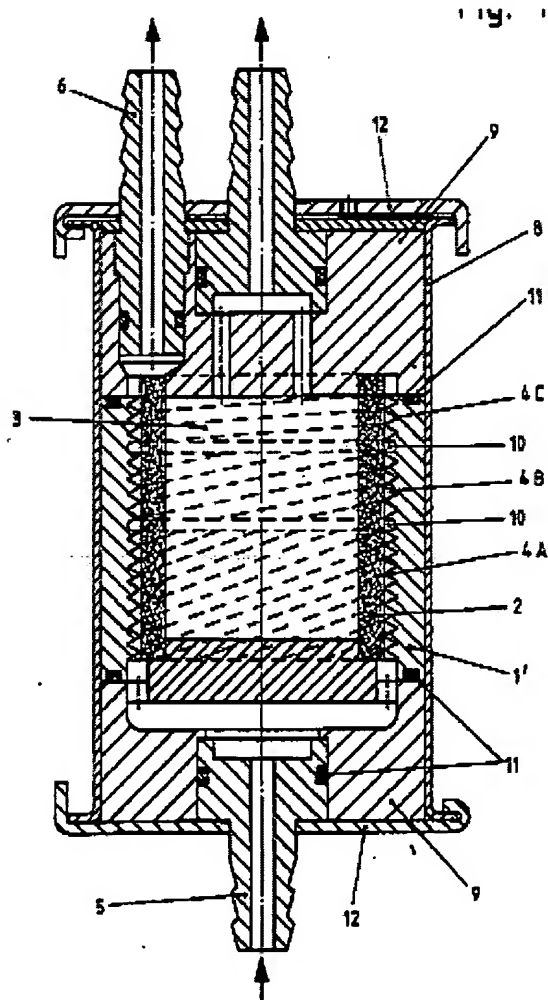


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'196 teaches a filtration system having a flow that is from the outside in. The radially symmetry of the filter body and filter element is evident in the drawings [as in claim 1]. A second outlet 8 is provided for a tangential outlet flow [as in claim 2]. Liquid impermeable end caps 10, 11 are taught as well as the outlets 10, 11 and inlet 6 being opposite thereto [as in claim 11].

9. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP

0239666, hereinafter '666.



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Claim Rejections - 35 USC § 103

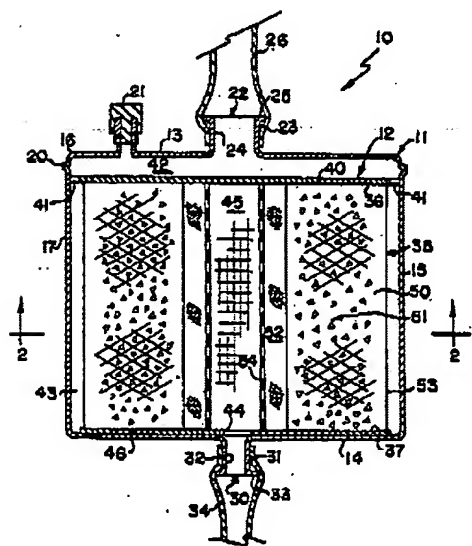
10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over '196 in view of Jewell et al. (U.S. 4,828,698). '196 teaches a filter element being in the form of a toroid (donut-shaped) and therefor having a rectangular cross-section.



But doesn't teach an absorbent matrix within the toroid.

Jewell teaches a toroid filter element cartridge filled with a adsorbive resin matrix (col. 4, lines 33-48) [as in claims 4-5 and 7]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have said resin cartridge within the filter of '196, since Jewell teaches the benefit of removing both particulate and chemical contaminants in a pharmaceutical

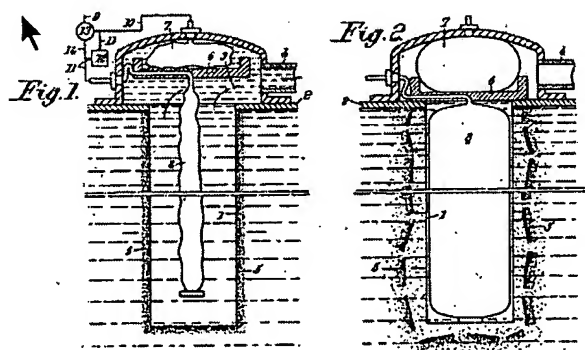
environment. As for claim 6, the relative diameters of the filter shells depends upon the amount of resin present within the filter element and would be obvious to the skilled man depending

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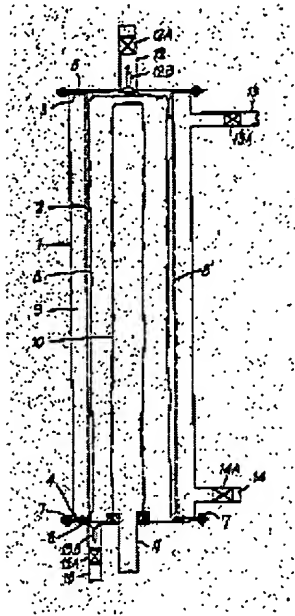
upon the conditions present, i.e. flow rate, maximum pressure drop, degree of contamination, etc.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over '666. '666 was expanded above and also teaches that the volume loss (the amount not filtered) depends upon the flow rate entering the filtration system. Variable speed pumps are well-known in the art for introducing fluid to be filtered into a filtering device. In addition, it is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to optimize the amount of unfiltered fluid vs. filter fluid exiting the system depending upon the kind of the liquid being filtered, including the degree of contamination and the size of contaminants desired to be removed.

13. Claims 8-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over '196 in view of Jewell, as applied above and in further view of EITHER FR 1,276,086, hereinafter '086 OR Gwilliam (U.S. 3,276,594). As explained above, Jewel teaches a matrix [as in claim 12]. The modified '196 doesn't teach a filler body. However, such is taught either '086 or Gwilliam as shown below [as in claims 8-10 and 12-13].



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It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the filler body of either '086 OR Gwilliam within the filter element of the modified '666, since both references teach the benefit of a simple means for removing filter cake from the upstream side of a radial filter.

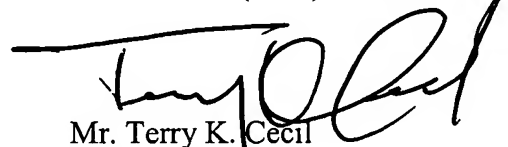
Priority

14. Acknowledgment is made of applicant's claim for foreign priority based the PCT and Netherlands applications. It is noted, however, that applicant has not filed a certified copy of either of the applications as required by 35 U.S.C. 119(b). To be fully responsive, any reply to this office action must include said certified copies.

15. Contact Information:

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- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil
Primary Examiner
Art Unit 1723

TKC
September 14, 2006